

It is believed that the new title is consistent with the pending claims.

REMARKS

1. Background

In a prior office action dated March 17, 1999, Examiner previously rejected all pending claims under 35 U.S.C. 103. Applicant responded to the 103 rejections on August 17, 1999, and as a result Examiner withdrew the 103 rejections. In the office action dated December 21, 1999, however, Examiner issued two rejections based on 35. U.S.C. § 112. The first such rejection was based on the written description requirement, and the second was based on the enablement requirement. In a response dated March 21, 2000, Applicant requested clarification of each of the rejections. Examiner issued an office action dated June 6, 2000, which maintained the 112 written description rejection only.

On September 6, 2000, Applicant's attorney phoned Examiner to again request clarification of the rejection in order to provide a more useful response. The parties discussed the rejections in detail, though no final agreements were reached.

2. Written Description Requirement Rejection

A. Current Rejection

Examiner has rejected claims 3-6 and 16-22 under 35 U.S.C. 112, first paragraph, as allegedly "containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Office Action, pp. 2-4.

B. Response

As discussed in the telephone conference of September 6, 2000, Applicant respectfully submits the following:

- 1) Independent Claim 3 is supported by at least pages 38-41 of the original specification;
- 2) Independent Claim 4 is supported by at least pages 38-45 of the original specification;

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- 3) Independent Claim 5 is supported by at least pages 38-43 of the original specification; and
- 4) Independent Claim 6 is supported by at least pages 38-43 of the original specification.

Because the claims are supported by a written description, as supported by at least those passages identified above, applicant requests that Examiner withdraw this 112 rejection.

Applicant also submits the following comments in order to clarify the distinctions between DIP and a Securitization Instrument and their respective meanings:

“DIP” stands for “digital informational package,” and is generally considered digital data which is to be transmitted via a bandwidth resource. It is known in the art to package data for transmission. It is not necessarily known to package information with information about the bandwidth resource as described in the present application. A “DIP” may include “content data” (one example of content data is a song). As stated in the original specification to the application on page 56, a DIP may also be packaged to include more than the content data: “As a preferred embodiment, ... a record of a given DIP should include at least two of any of the following three elements: a digital watermark key, a DIP header, and a bandwidth securitization instrument (bandwidth right).” Patent Application at 56. In turn, the DIP header can be configured to include information about the content data, pricing information about the content data, and distribution information about the content data. Patent Application at 56 (“The DIP header describes the content, its address, pricing and distribution.”). Hence, the content data may be packaged with information about the content data itself, as well as with information about the bandwidth resource through which the DIP may be transmitted.

Applicant hopes that these comments will be helpful in clarifying any confusion regarding DIPs and bandwidth securitization instruments.

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CONCLUSION


Applicant maintains that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representative, either by telephone or in person, would further prosecution of this application, we would welcome the opportunity for such an interview.

Respectfully submitted,

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